

KENTUCKY BOARD OF DENTISTRY

FALL NEWSLETTER

2007

BOARD MEMBERS 2007-2008

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Bowling Green, Kentucky

Julie Gaskill, D.D.S.
Bowling Green, Kentucky

Laura Justice, D.M.D.
Lexington, Kentucky

Vacant
Consumer Member

OVERVIEW OF THE BOARD OF DENTISTRY

The Kentucky Board of Dentistry is governed by the Commonwealth of Kentucky and is a separate and distinct entity from any professional association. The main functions of the board are to regulate the dental profession and protect the public in matters related to dentistry. The board is self-supporting and does not receive a general fund tax appropriation.

ONLINE DENTAL LICENSE RENEWALS

This Newsletter will serve as the Board's only reminder to all dentists that their dental license will expire on January 1, 2008. Therefore, beginning in October 2007, the Board will be offering online dental license renewals. Renewing a dental license online will be the fastest, most convenient, and secure way to renew a dental license. To renew a dental license online, please visit the Board's web-site at www.dentistry.ky.gov. Please note that all renewal applications and fees are due by December 31, 2007. The renewal fee is \$230.00 for each biennial period (2008-2009). A reinstatement fee of \$50.00 will be added to the initial \$230.00 renewal fee for renewal applications received by the Board after December 31, 2007. **Paper renewal applications will only be mailed to dentists who provide the Board with a written request for a paper renewal application.** The Board encourages all dentists to renew their dental license online.

TELEPHONE DIRECTORY ADVERTISING

201 KAR 8:006 prohibits a dentist from using false, misleading, or deceptive advertising and also establishes the rules for dentists to advertise as specialists or as being especially qualified in any area of dentistry. A licensed dentist may only advertise as being especially qualified in any area of dentistry if that area of dentistry is a field of specialty recognized by the American Dental Association (ADA) (KRS

313.400). Further, a general dentist who advertises in a field not recognized by the ADA as a dental specialty shall include in the advertisement that Kentucky law does not recognize the advertised field as an area of dentistry suitable for licensing as a dental specialist.

Various telephone directories throughout the state are including headings in their advertising pages that are not areas of dental specialties recognized by the ADA. Pursuant to 201 KAR 8:006, the Board holds its licensees accountable for their dental advertising. Please note that it is the responsibility of the dentist to make sure their advertisements are in compliance with the Dental Practice Act. The Board requests that all dentists who advertise themselves in a telephone directory to be aware of the headings in which they may be advertised. Advertising in a heading that is not recognized by the ADA or a heading that is not an accurate depiction of the dental practice may be found in violation of 201 KAR 8:006. However, nothing in 201 KAR 8:006 prohibits a dentist from accurately advertising the services rendered within their dental office.

Any licensed Kentucky dentist may submit their proposed advertising to the Kentucky Board of Dentistry for written approval prior to using the advertising.

ANNUAL REPORT
JULY 1, 2006 - JUNE 30, 2007

Below is the Kentucky Board of Dentistry's Annual Report for fiscal year ending June 30, 2007. This report is used by the Board to monitor and review trends within the dental profession. This specific report reflects information gathered from the 2006 and 2007 licensure renewal process for dentists and dental hygienists, credential applications for licensure, applications for licensure by examination, applications for a specialty license, dental laboratory and dental laboratory technician applications, and initiating complaint forms received at the Board Office.

DENTAL POPULATION FOR JULY 1, 2006
-- JUNE 30, 2007

TOTAL NUMBER OF DENTISTS LICENSED: **3118**

TOTAL NUMBER OF DENTISTS
PRACTICING IN KY: **2337**

TOTAL NUMBER OF LICENSED DENTISTS
RESIDING OUT OF STATE: **640**

TOTAL NUMBER OF LICENSED DENTISTS
PRACTICING OUT OF STATE: **458**

TOTAL NUMBER OF NEW DENTAL
LICENSEES: **119**

TOTAL NUMBER RETIRED DENTISTS: **6**

TOTAL NUMBER LICENSED BY
CREDENTIALS: **106**

TOTAL NUMBER LICENSED BY EXAM:
93

TOTAL NUMBER LIMITED STUDENT
LICENSES: **9**

COMPLAINTS RECEIVED - JANUARY 1,
2006 - DECEMBER 31, 2006

TOTAL NUMBER OF COMPLAINTS: **148**

TOTAL NUMBER OF FORMAL
DISCIPLINARY ACTIONS: **14**

DENTAL LABORATORIES AND DENTAL
TECHNICIANS

TOTAL NUMBER OF LABORATORIES
REGISTERED: **410**

TOTAL NUMBER OF TECHNICIANS
REGISTERED: **1240**

CLASSIFICATION OF DENTAL LICENSES

GENERAL DENTISTS: **2630**

ORAL & MAXILLOFACIAL SURGERY: **130**

ORTHODONTICS: **158**

PEDIATRICS: **89**

PERIODONTICS: **49**

PROSTHODONTICS: **19**

ORAL & MAXILLOFACIAL PATHOLOGY: **4**

ENDODONTICS: **37**

HYGIENIST POPULATION JULY 1, 2006 -
- JUNE 30, 2007

TOTAL NUMBER OF HYGIENIST
LICENSED: **2114**

TOTAL NUMBER OF HYGIENISTS
PRACTICING IN KY: **1703**

TOTAL NUMBER OF HYGIENISTS
PRACTICING OUT OF STATE: **54**

TOTAL NUMBER OF NEW HYGIENE
LICENSEES: **132**

TOTAL NUMBER LICENSED BY
CREDENTIALS: **18**

TOTAL NUMBER LICENSED BY EXAM: **114**

TOTAL NUMBER RETIRED HYGIENISTS:
121

APPLICATIONS FOR APPROVAL OF CONTINUING EDUCATION COURSES

201 KAR 8:140 establishes the guidelines and schedule of points for compliance with the Board's continuing education requirements. Please note that the Board will not consider CE Approval Forms that are submitted *after* the date of the CE course. The Board recommends that applications for continuing education approval be submitted to the Board within ten business days before the date of the continuing education program.

NEW GUIDELINES FOR PREVENTING INFECTIVE ENDOCARDITIS FROM THE AMERICAN HEART ASSOCIATION

The American Heart Association (AHA) recently updated its guidelines regarding which patients should take a precautionary antibiotic to prevent infective endocarditis before a trip to the dentist.

The guidelines, published in Circulation: Journal of the American Heart Association, are based on a growing body of scientific evidence that shows that, for most people, the risks of taking prophylaxis antibiotics for certain procedures outweigh the benefits. The new guidelines show taking preventive antibiotics is not necessary for most people and, in fact, might create more harm than good. Unnecessary use of antibiotics could cause allergic reactions and dangerous antibiotic resistance.

The AHA recommends that only people at the greatest risk of bad outcomes of infective endocarditis – an infection of the heart's inner lining or the heart valves – should receive short-term preventive antibiotics before common, routine dental and medical procedures.

The Board encourages all of its licensees to become familiar with the AHA's new guidelines for preventing infective endocarditis.

RECERTIFICATION OF DENTAL HYGIENE ANESTHESIA PERMITS

201 KAR 8:460 establishes the requirements for dental hygienists to administer block and infiltration anesthesia. Please note that any dental hygienist who has obtained a certificate from the Board to administer local anesthesia but has not engaged in the practical application of block/infiltration anesthesia or nitrous oxide in the previous twelve month period shall complete the required continuing education course for recertification.

The continuing education course required for recertification for block/infiltration local anesthesia shall consist of sixteen hours. The continuing education course required for recertification for nitrous oxide analgesia shall consist of four hours. Please note that the Board relies upon the various dental hygiene education programs at the various state universities and colleges to provide the approved recertification courses. Dental hygienists should contact these schools for information about obtaining Board recertification in the administration of anesthesia.

APPROVAL FOR DENTAL HYGIENE GENERAL SUPERVISION

KRS 313.310 and 201 KAR 4:50 establish the requirements for dental hygienists to provide dental hygiene services when the supervising dentist is not present in the dental office. All dental hygienists are required to submit a general supervision application form for *each dentist* in which they are utilizing general supervision privileges. General supervision approval for one employing dentist does not reciprocate into being approved for general supervision with other employing dentists. Dental hygienists must obtain approval to practice general supervision with each of their employing dentists.

**DENTAL HYGIENE AND DENTAL ASSISTANT DELEGATED DUTY LIST IN THE
COMMONWEALTH OF KENTUCKY**

As adopted by the Board of Dentistry in accordance with 201 KAR 8:135, below is a complete list of the current duties and responsibilities that may be delegated to dental hygienists and dental assistants. These delegated duties are the Board's current interpretations, opinions, and declaratory rulings as allowed by KRS Chapter 13A. The legislative sub committee reviews new procedures and duties on an annual basis and submits further recommendations to the Board for approval relating to what new procedures or techniques may constitute "those procedures which require professional judgment and skill," which then cannot be delegated to competent dental auxiliary personnel under 201 KAR 8:135.

These duties are performed under direct supervision of the dentist.

DUTY	DENTAL HYGIENIST	DENTAL ASSISTANT
<u>Actisite</u>		
Placement	Yes	No
Removal	Yes	No
<u>Amalgam Restorations</u>		
Placing (condensation)	Yes	Yes
Carving	Yes	Yes
Polishing	Yes	Yes
<u>Anesthetic Agents (administering local)</u>		
By infiltration	Yes**	No
By block	Yes**	No
Anesthetic - Topical Application	Yes	Yes
Atridox – Administration	Yes	No
Bases and cavity Liners - Applying	Yes	Yes
Bands and Bonding Brackets	Yes	Yes
Bending Archwires	No	No (for intra oral use)
Bleaching	Yes***	Yes***
Brush Biopsy	No	No
Cement - Removal Coronal Surfaces	Yes	Yes
<u>Composite Resin Restorations</u>		
Placing	Yes	Yes
Finishing	Yes	Yes
<u>Crowns - Temporary</u>		
Fabricating	Yes	Yes
Placing	Yes	Yes
Removing	Yes	Yes
Diagnosis	No	No
Diagnadent	Yes	Yes
Examine Oral Cavity (inspecting, information gathering only)	Yes	Yes
Expanded Functions	Yes	Yes
Fluoride	Yes	Yes

General Supervision	Yes	No
<u>Preliminary Impressions (only if the impression is not used for an orthodontic appliance)</u>		
Placement	Yes	Yes
Pouring model	Yes	Yes
<u>Master or final Impressions</u>		
Placement	No	No
Holding	Yes	Yes
Removal	Yes	Yes
Pouring model	Yes	Yes
<u>Matrices</u>		
Placing	Yes	Yes
Removing	Yes	Yes
<u>Nitrous Oxide Analgesia</u>		
Administering	Yes **	No
Monitoring	Yes	Yes
Polishing - Coronal (clinical)	Yes	Yes **
Performing Pulp Vitality Testing	Yes	Yes
<u>Periodontal Dressings</u>		
Placing	Yes	Yes
Removing	Yes	Yes
Probing	Yes	No
Pumicing	Yes	Yes **
Radiographs Exposing	Yes	Yes **
<u>Retraction Cords</u>		
Placing and packing	Yes	Yes
Removal	Yes	Yes
Root Planning	Yes	No
<u>Rubber Dams</u>		
Placing	Yes	Yes
Removing	Yes	Yes
Sealant Application	Yes	Yes
<u>Scaling</u>		
Supra Gingival	Yes	No
Subgingival	Yes	No
<u>Sutures</u>		
Removal	Yes	Yes
Placement	No	No

** Educational requirements must be met first

*** No laser usage

BOARD DISCIPLINARY ACTIONS FOR APRIL 2007 – SEPTEMBER 2007

The following is a summary of the disciplinary actions rendered by the Board. This summary is intended for informational purposes only. All information is believed to be accurate; however, complete terms of each disciplinary action are contained within the Board's records.

IMMEDIATE TEMPORARY SUSPENSION

Todd A. Kolter, D.M.D., Louisville, Kentucky – May 14, 2007

Order and Notice of Immediate, Temporary Suspension for failing or refusing to comply with an order or direction of the Board (KRS 313.130(3) and (4) and 201 KAR 8:430). Conditions on reinstatement of dental license.

IMMEDIATE TEMPORARY SUSPENSION

Hanh Minh Do, D.M.D., Bardstown, Kentucky – July 30, 2007

Order and Notice of Immediate, Temporary Suspension for having sexual contact as defined in KRS 510.010(7), without the consent of both parties, with a patient while the patient was under the care of the dentist, committing an act relating to the practice of dentistry that creates a danger to the public, patients, or employees of the dentist whether or not the act constitutes a crime for having illegal child pornography on at least one computer in the dental office, and by having a mental disability or other condition that continued practice would be dangerous to patients or to the public.

IMMEDIATE TEMPORARY SUSPENSION

Merriel M. Chase-Dodson, D.M.D., Paducah, Kentucky – August 1, 2007

Order and Notice of Immediate, Temporary Suspension for: obtaining a fee by fraud or misrepresentation; failing to comply with KRS 422.317 requiring the dentist to provide one free copy of a patient's dental record; being guilty of incompetence or negligence in the practice of dentistry; and having a disability or other condition that continued practice would be dangerous to patients or to the public. Conditions on immediate reinstatement of dental license.

IMMEDIATE TEMPORARY SUSPENSION

Brandon Ira Allen, D.M.D., Louisville, Kentucky – August 23, 2007

Agreed Order and Notice of Immediate, Temporary Suspension for: prescribing, procuring, or otherwise preparing a legend drug, including a controlled substance, other than in the course of the professional practice of the dentist; admitting to an addiction to scheduled drugs; and having such a physical or mental disability, or other condition, that continued practice would be dangerous to patients or to the public. Conditions on reinstatement of dental license.

Robert Michael Clear, D.M.D., Fort Thomas, Kentucky – March 2007

Conviction of a felony. Admitted violating the law (KRS 313.130(1)). Settlement Agreement. Indefinite suspension of dental license effective December 31, 2005 with conditions on application for reinstatement of dental license. First disciplinary action.

John C. Ballard, D.M.D., Lexington, Kentucky – May 2007

Addiction to a drug habit. Admitted violating the law (KRS 313.130(5)). Settlement Agreement. Revocation of dental license with conditions on re-application for licensure. \$500 fine. Third disciplinary action.

Lydia Joohyun Lewis, D.M.D., Seattle, Washington – May 2007

Addiction to a drug habit. Admitted violating the law (KRS 313.130(5)). Settlement Agreement. Five year suspension of dental license with suspension fully stayed for five years upon compliance with conditions of probation. Mandatory Well-Being Committee membership. Continuing education on drug dependencies. \$1,000 costs; and \$1,000 fine. Comply with all terms within Settlement Agreement. First disciplinary action.

Douglas C. Clark, D.M.D., Florence, Kentucky – July 2007

Failing to comply with a lawful order of the Board by failing to pay a previously agreed upon fine/costs to the Board and by failing to provide proof of make-up continuing dental education in a prior disciplinary action. Admitted violating the law (KRS 313.130(4)). Settlement Agreement. \$3,700 fines and costs; and submitting proof of compliance with continuing education requirements. Fifth disciplinary action.

Virginia Sergeant, R.D.H., Partridge, Kentucky – July 2007

Order and Notice of Immediate, Temporary Suspension for a period not less than six months for violating a Deferred Settlement Agreement adopted by the Board and relapsing to the use of scheduled drugs. Final Agency Action– Settlement Agreement – July 2007. Chronic or persistent chemical dependency. Admitted violating the law (KRS 313.330(3)). Five year suspension of dental hygiene license with suspension fully stayed for five years upon compliance with conditions of probation. Mandatory Well-Being Committee membership. Continuing education on drug dependencies. \$500 fine. Comply with all terms within Settlement Agreement. First disciplinary action.

Peter R. Ciampa, D.M.D., Paducah, Kentucky – July 2007

Conviction of a felony. Admitted violating the law (KRS 313.130(1)). Settlement Agreement. Indefinite probation effective April 30, 2007 until superseded by further Order of the Board or a court of competent jurisdiction. \$1,000 costs; and \$1,000 fine. First disciplinary action.

Kenneth Sutton, D.M.D., Louisville, Kentucky – July 2007

Prescribing a scheduled drug other than in the professional practice of the dentist; committing a dishonest act in the provision of dental services; committing an act relating to the practice of dentistry that creates a danger to the public, patients, or employees of the dentist; and failing to keep written dental records and medical history records that justify the course of treatment. Admitted the Board would be able to prove violations by a preponderance of the evidence at an administrative hearing before the Board. Settlement Agreement. Two year suspension with one year to be served as an active suspension effective September 21, 2007; and one year fully probated upon compliance with conditions of additional five year probationary period. DEA certificate surrendered until July 21, 2012. \$1,000 costs and \$4,000 fine. Mandatory Well-Being Committee membership. Continuing education approved by the Board. Comply with all terms in Settlement Agreement. Second disciplinary action.

Arlene R. Baluyut, D.M.D., Frankfort, Kentucky – July 2007

The Board would be able to prove by a preponderance of the evidence at an administrative hearing before the Board, though disputed by Dr. Baluyut: delegating to dental auxiliary personnel procedures which require the professional judgment and skill of the dentist; prescribing a legend drug, including a controlled substance, other than in the course of the professional practice of the dentist; failing to keep written dental records and medical history records that justify the course of treatment of the patient; failing to adhere to universal precautions; failing to insure that the patient receiving nitrous oxide was being constantly monitored; being guilty of incompetence or negligence by a failure to insure that the minimum standards of performance in diagnosis and treatment, when measured against the degree of care and skill which is expected of a reasonably competent dentist, acting in the same or similar circumstances, and of the same class to which the dentist belongs; committing a dishonest act in the provision of dental services; providing dental services without justification; delegating to dental auxiliary personnel the taking of radiographic exposures without appropriate training; presenting false or misleading testimony or statements to the Board's investigators or employees during an investigation of the Board; obtaining a fee by misrepresentation; and committing an act relating to the practice of dentistry that creates a danger to the public, patients, or employees of the dentist. Settlement Agreement. Sixty day active suspension effective September 20, 2007 through November 18, 2007. \$30,000 costs. Continuing education approved by the Board. Five year agreement with the Board. Comply with all terms in Settlement Agreement. First disciplinary action.

Paul D. Benson, D.M.D., Layton, Utah – September 2007

Being disciplined by the dental licensing authority in the state of Utah for sexual harassment, which also constitutes unprofessional conduct in Kentucky. Admitted violating the law (KRS 313.130(3) and (4)). Voluntary surrender dental license as if revoked. Prohibit reapplication for licensure for five years. \$500 fine. Comply with all terms in Settlement Agreement. First disciplinary action.

Homing Kim, D.D.S., Frankfort, Kentucky – September 2007

Performing professional services without first obtaining the informed consent of the patient. Admitted violating the law (KRS 313.130(3) and (4)). Settlement Agreement. Reprimand. \$1,000 costs; and \$1,000 fine. Board approved continuing education. Comply with all terms in Settlement Agreement. First disciplinary action.

Vicki Kaye Hurt, R.D.H., Hopkinsville, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$3,000 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Mary C. Reed, R.D.H., Louisville, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$100 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Jenny L. Cox, R.D.H., Campbellsville, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$2,400 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Paula DeShannon Crosthwaite, R.D.H., Lexington, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$100 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Juliana Vetter Allen, R.D.H., Crestwood, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$1,550 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Tracy Farmer, R.D.H., Manchester, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$100 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

Kimberly Marie Toth, R.D.H., Louisville, Kentucky – September 2007

Non-compliance with continuing education requirements. Admitted violating the law (KRS 313.305). Settlement Agreement. \$500 costs; and \$500 fine. Make up continuing education. Comply with all terms in Settlement Agreement. First disciplinary action. *Fine is based upon the number of deficient hours.*

2008 KENTUCKY BOARD OF DENTISTRY MEETING SCHEDULE

The Kentucky Board of Dentistry meets every odd numbered month. Meeting times and places may be changed with advanced notification. All Board meetings are open to the public and are held at the Board office. Below is the Board's meeting schedule for calendar year 2008.

January 19, 2008

March 8, 2008

May 10, 2008

July 12, 2008

September 13, 2008

November 8, 2008

CHANGE OF ADDRESS FORM

Name _____ **License No.** _____ ☐ **Dentist** ☐ **Hygienist**

(For Dentist Only) - Preferred Mailing Address ☐ **Business** ☐ **Residence**

Business Address:

Name of Business (if applicable) _____

Address _____

City _____ **State** _____ **Zip** _____

Phone _____ **KY County** _____

Residence Address:

Address _____

City _____ **State** _____ **Zip** _____

Phone _____ **KY County** _____

*You may e-mail a change of address to the Board by going to the Board's web-site at
www.dentistry.ky.gov . *

**KENTUCKY BOARD OF DENTISTRY
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LOUISVILLE, KY 40223**